

Serial No.: 09/973,671

RECEIVED
CENTRAL FAX CENTER

MAR 28 2007

REMARKS

Claims 1-34 are pending in the present application after this amendment adds new claims 21-34. Claims 1-17 and 20 have been amended to correct typographic errors and/or to further clarify the subject matter recited therein. No new matter is added by the amendments and new claims, which find support throughout the specification and figures. In particular, new claims 28-34 are supported at least at paragraphs 0022-0024 and 0068 of the published application. In view of the amendments and the following remarks, favorable reconsideration of this case is respectfully requested.

The Examiner objects to claims 1, 4, 7, and 16, alleging an informality in the language of the claims. Applicants submit that the use of "and" between items in a list preceded by the phrase "one of" is the logical equivalent of "or", and properly denotes a disjunctive relationship. However, in the interest of expediting prosecution, Applicants herein amend the claims as suggested by the Examiner. Therefore, it is respectfully requested that the objections be withdrawn.

The Office Action rejects claims 1-19 under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 4,850,007 to Marino et al. (hereinafter referred to as Marino). Applicants respectfully traverse.

Claim 1 relates to a method of providing services that includes making service beneficiaries *select a frequency of advertising to be added* to the services provided. In claim 1, the services are provided when the selection is made. The method according to claim 1 also includes setting a fee for the provision of services to the service beneficiaries, according to the frequency of advertising selected.

Serial No.: 09/973,671

Marino apparently discusses an economical telephone service which allows a user to select the service when making a phone call and listen to advertising prior to the telephone call being made. The user may also apparently select the amount of advertising to be received over the telephone. The service in Marino provides discounted telephone service and/or credit in exchange for listening to the advertising. However, Marino does not disclose or suggest a service beneficiary *selecting a frequency of advertising*. The amendment to the independent claims deletes the alternative of "selecting the quantity", and thereby avoids Marino. Since Marino does not disclose or suggest a service beneficiary selecting a frequency of advertising, Marino does not anticipate claim 1, or any of the other independent claims, which include similar features.

Additionally, claims 3, 6, and 9 each disclose that the selection may be changed *during* the provision of services. Since Marino only allows a selection to be made *prior* to the provision of telephone services, Marino does not identically disclose the features of these claims.

Likewise, claims 12 and 15 each disclose that the selection may be changed *during* the reception of the contents. Since Marino only allows a selection to be made *prior* to the provision of telephone services, Marino does not identically disclose the features of these claims.

Independent claims 4, 7, 10, 13, 16, and 17 include a feature similar to that discussed above in regard to claim 1, and therefore, for at least the same reasons discussed above in support of the allowability of claim 1, independent claims 4, 7, 10, 13, 16, and 17 are also allowable.

Claims 2, 3, and 19 ultimately depend from claim 1; claims 5 and 6 ultimately depend from claim 4; claims 8 and 9 ultimately depend from claim 7; claims 11 and 12 ultimately depend from claim 10; and claims 14 and 15 ultimately depend from claim 13, and therefore

Serial No.: 09/973,671

each of these claims is allowable for at least the same reasons as their respective base claims are allowable.

The Office Action rejects claim 20 under 35 U.S.C. § 103(a) as unpatentable over Marino in view of Official Notice. Applicants respectfully traverse.

Claim 20 depends from claim 1 and is therefore allowable for at least the same reasons as claim 1 is allowable. Additionally, claim 20 recites that the service beneficiaries select *both the frequency and the quantity of advertising to be added* to the services provided. The Examiner takes Official Notice that it is well known to select a frequency of advertising to be received by noting that online users sign up for a reminder service for birthdays, etc (Office Action; page 7, lines 1-3). However, this does not relate to selecting *a frequency of advertising*. Applicants respectfully challenge the Official Notice on at least this basis. It is respectfully submitted that none of the cited references disclose or suggest this feature, and that for at least this additional reason claim 20 is allowable.

New claims 21-27 depend from one of claims 1, 4, 7, 10, 13, 16, and 17, and therefore each of these claims is allowable for at least the same reasons as their respective base claim are allowable.

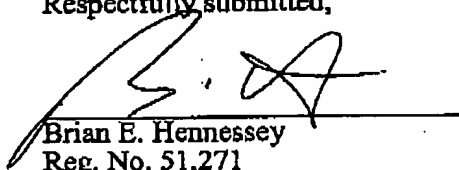
New claims 28-34 depend from one of claims 1, 4, 7, 10, 13, 16, and 17, and therefore each of these claims is allowable for at least the same reasons as their respective base claim are allowable. Additionally, each of these claims is directed to the feature that the services include *internet access*, or a similar feature. Marino apparently relates to a *telephone call service*, and therefore does not disclose or suggest an internet service. Therefore, for at least this additional reason, new claims 28-34 are allowable.

Serial No.: 09/973,671

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Brian E. Hennessey
Reg. No. 51,271

CUSTOMER NUMBER 026304
Telephone: (212) 940-8800
Fax: (212) 940-8986/8987
Docket No.: 100809-16271 (SCEY 19.057)
BEH:fd